

REMARKS

In response to the Office Action dated February 1, 2007, Applicants submit the following remarks. The three month deadline for filing a response falls on May 1, 2007, therefore Applicants believe that this response is being timely filed. In the event there are additional fees required in connection with this response, please charge any necessary fee to Deposit Account No. 23-2415, referencing Attorney Docket No. 32724-703.201.

The examiner has made the following claim rejections:

1. Claims 10-39 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement.

Specifically, the examiner states at page 3 of the Office Action that:

The description of the all the claimed method steps, *inter alia*, making a system for cyclic variations in altitude conditioning available to a user, allowing the user to pay for a session of cyclic variations in altitude conditioning in the system via the entry of payment information relating to the user into the kiosk controller, evaluation and classifying cyclic variations in altitude conditioning and enabling the user to successfully complete a set-up session in a pressure vessel, and the claimed structural elements of the kiosk controller comprising first software program and the information processing system, the master controller comprising the second software program and the information processing system, and a second kiosk controller are lacking.

Applicants respectfully disagree and traverse the rejection as follows:

a. The examiner asserts that the description for making a system for cyclic variations in altitude conditioning available to a user is lacking. Applicants point out the written description is not so lacking. For example, paragraph [0015] of the application specification states that in one embodiment “the pressure vessel and kiosk controller reside at a user accessible facility, while the master controller resides a secure facility.”

b. The examiner asserts that the description for allowing the user to pay for a session of cyclic variations in altitude conditioning in the system via the entry of payment information relating to the user into the kiosk controller is lacking. Paragraph [0055] of the application specification

states that in one embodiment of the invention the “kiosk controller comprises a server that stores software necessary for a user to ... establish an account to pay for sessions....” Similarly, paragraph [0056] of the application specification states that in one embodiment of the invention the “kiosk controller ... asks the user for payment information, such as credit card or debit card information.”

c. The examiner asserts that the description of evaluation and classifying cyclic variations in altitude conditioning and enabling the user to successfully complete a set-up session in a pressure vessel is lacking. In one embodiment of the invention, paragraphs [0057] and [0063] describe the steps a user may progress through to successfully complete a set-up session. In one embodiment of the invention, paragraphs [0061] and [0066] – [0123] describe multiple ways of evaluating and classifying a user for selection of the user’s cyclical variations in altitude conditioning program and sessions, including examples of classification criteria and options for utilizing user-feed back to alter on-going and subsequent programs and sessions. Thus the specification provides ample description of evaluating and classifying cyclic variations in altitude conditioning as well as enabling the user to successfully complete a set-up session in a pressure vessel.

d. The examiner asserts that the description of the claimed structural elements of the kiosk controller comprising first software program and the information processing system are lacking. In one embodiment of the invention, paragraph [0055] describes the software programs “necessary for a user to learn about the health benefits associated with using the present invention, to establish an account to pay for session, to set up an exercise program tailored to the user’s personal information, to start a session, and to perform a variety of other functions related to the use of the system.” Furthermore, paragraph [0055] describes “a personal computer, such as an information processing system that runs on Microsoft’s Windows operating system or an information processing system that runs on Apple Computer’s operating system.” Paragraph [0056] provides further description of the software program’s various responsibilities. Thus, the specification provides ample description of the kiosk controller comprising first software program and the information processing system. As noted by the examiner, kiosks and controlling stations that utilize computers to run software programs regarding storage of data, control of machines, and payment for products and services are well-known in the art, thus Applicants need not re-demonstrate in the specification what is well-established in the art. MPEP §2164.01; *In re Bucher*, 929 F.2s 660, 661, 18 USPQ2d 1331, 1332 (Fed. Cir. 1991); *Hybritech, Inc. v. Monoclonal Antibodies, Inc.*, 802 F.2d 1367, 1384, 231 USPQ

81, 94 (Fed. Cir. 1986), *cert. denied*, 480 U.S. 947 (1987); and *Lindemann Maschinenfabrik GMBH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 1463, 221 USPQ481, 489 (Fed. Cir. 1984).

e. The examiner asserts that the description of the master controller comprising the second software program and the information processing system are lacking. In one embodiment of the invention, paragraph [0059] of the application specification describes a master controller that comprises “a personal computer, such as an information processing system that runs on Microsoft’s Windows operating system, or an information processing system that runs on Apple Computer’s operating system. Master controller contains software allowing it to periodically download and store all user account, person, and exercise program information in an organized database from all kiosk controllers connected to the master controller.” Paragraphs [0019] and [0020] further describe additional embodiments including the kiosks and their included software programs. As noted by the examiner, controlling stations that utilize computers to run software programs regarding storage of data, control of machines, and payment for products and services are well-known in the art, thus Applicants need not re-demonstrate in the specification what is well-established in the art. MPEP §2164.01; *In re Bucher*, 929 F.2s 660, 661, 18 USPQ2d 1331, 1332 (Fed. Cir. 1991); *Hybritech, Inc. v. Monoclonal Antibodies, Inc.*, 802 F.2d 1367, 1384, 231 USPQ 81, 94 (Fed. Cir. 1986), *cert. denied*, 480 U.S. 947 (1987); and *Lindemann Maschinenfabrik GMBH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 1463, 221 USPQ481, 489 (Fed. Cir. 1984).

f. The examiner asserts that the description of a second kiosk controller is lacking. In one embodiment, paragraph [0059] refers to the second kiosk controller as the kiosk controller at the new facility, merely being a second kiosk controller associated with a different pressure vessel unit or units at a different facility. Thus, the second kiosk controller is described within the application specification.

In light of the disclosure of each element of the claims in the application specification described above, the written description for the claimed elements is not lacking. Therefore, Applicants respectfully request that the examiner withdraw the rejection of claims 10-39 under 35 U.S.C. § 112, first paragraph.

2. Claims 10-39 are rejected under 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Specifically, the examiner states at page 4 of the Office Action that:

The recitation therein is unclear, confusing and indefinite, because the references for all the claimed method steps, *inter alia*, making a system for cyclic variations in altitude conditioning available to a user, allowing the user to pay for a session of cyclic variations in altitude conditioning in the system via the entry of payment information relating to the user into the kiosk controller, evaluation and classifying cyclic variations in altitude conditioning and enabling the user to successfully complete a set-up session in a pressure vessel, and the claimed structural elements of the kiosk controller comprising first software program and the information processing system, the master controller comprising the second software program and the information processing system, and a second kiosk controller are unclear.

Applicants respectfully disagree and traverse the rejection as follows:

a. The examiner asserts that claims 10-39 are indefinite because the references for making a system for cyclic variations in altitude conditioning available to a user are unclear. In an embodiment of the invention, paragraph [0015] of the application specification states that “the pressure vessel and kiosk controller reside at a user accessible facility, while the master controller resides a secure facility.”

b. The examiner asserts that claims 10-39 are indefinite because the references for allowing the user to pay for a session of cyclic variations in altitude conditioning in the system via the entry of payment information relating to the user into the kiosk controller are unclear. In an embodiment of the invention, paragraph [0055] of the application specification states that the “kiosk controller comprises a server that stores software necessary for a user to ... establish an account to pay for sessions....” In another embodiment of the invention, paragraph [0056] of the application specification states that “kiosk controller ... asks the user for payment information, such as credit card or debit card information.”

c. The examiner asserts that claims 10-39 are indefinite because the references for evaluation and classifying cyclic variations in altitude conditioning and enabling the user to successfully complete a set-up session in a pressure vessel are unclear. In an embodiment of the invention, paragraphs [0057] and [0063] describe the steps a user may progress through to successfully complete a set-up session. In another embodiment of the invention, paragraphs [0061] and [0066] – [0123] describe multiple ways of evaluating and classifying a user for selection of the user's cyclical variations in altitude conditioning program and sessions, including examples of classification criteria and options for utilizing user-feed back to alter on-going and subsequent programs and sessions. Thus the specification provides ample description of evaluating and classifying cyclic variations in altitude conditioning as well as enabling the user to successfully complete a set-up session in a pressure vessel.

d. The examiner asserts that claims 10-39 are indefinite because the references for the claimed structural elements of the kiosk controller comprising first software program and the information processing system are unclear. In an embodiment of the invention, paragraph [0055] describes the software programs “necessary for a user to learn about the health benefits associated with using the present invention, to establish an account to pay for session, to set up an exercise program tailored to the user's personal information, to start a session, and to perform a variety of other functions related to the use of the system.” Furthermore, paragraph [0055] describes “a personal computer, such as an information processing system that runs on Microsoft's Windows operating system or an information processing system that runs on Apple Computer's operating system.” Paragraph [0056] provides further description of the software program's various responsibilities. Thus, the specification provides ample description of the kiosk controller comprising first software program and the information processing system. As noted by the examiner, kiosks and controlling stations that utilize computers to run software programs regarding storage of data, control of machines, and payment for products and services are well-known in the art, thus Applicants need not re-demonstrate in the specification what is well-established in the art. MPEP §2164.01; *In re Bucher*, 929 F.2s 660, 661, 18 USPQ2d 1331, 1332 (Fed. Cir. 1991); *Hybritech, Inc. v. Monoclonal Antibodies, Inc.*, 802 F.2d 1367, 1384, 231 USPQ 81, 94 (Fed. Cir. 1986), *cert. denied*, 480 U.S. 947 (1987); and *Lindemann Maschinenfabrik GMBH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 1463, 221 USPQ481, 489 (Fed. Cir. 1984).

e. The examiner asserts that claims 10-39 are indefinite because the references for the master controller comprising the second software program and the information processing system are unclear. In an embodiment of the invention, paragraph [0059] of the application specification describes a master controller that comprises “a personal computer, such as an information processing system that runs on Microsoft’s Windows operating system, or an information processing system that runs on Apple Computer’s operating system. Master controller contains software allowing it to periodically download and store all user account, person, and exercise program information in an organized database from all kiosk controllers connected to the master controller.” Paragraphs [0019] and [0020] further describe the kiosks and their included software programs. As noted by the examiner, controlling stations that utilize computers to run software programs regarding storage of data, control of machines, and payment for products and services are well-known in the art, thus Applicants need not re-demonstrate in the specification what is well-established in the art. MPEP §2164.01; *In re Bucher*, 929 F.2s 660, 661, 18 USPQ2d 1331, 1332 (Fed. Cir. 1991); *Hybritech, Inc. v. Monoclonal Antibodies, Inc.*, 802 F.2d 1367, 1384, 231 USPQ 81, 94 (Fed. Cir. 1986), *cert. denied*, 480 U.S. 947 (1987); and *Lindemann Maschinenfabrik GMBH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 1463, 221 USPQ481, 489 (Fed. Cir. 1984).

f. The examiner asserts that claims 10-39 are indefinite because the references for a second kiosk controller are unclear. In an embodiment of the invention, paragraph [0059] refers to the second kiosk controller as the kiosk controller at the new facility, merely being a second kiosk controller associated with a different pressure vessel unit or units at a different facility. Thus, the second kiosk controller is described within the application specification.

In light of the disclosure of each element of the claims in the application specification described above, the references for the elements of the claims are not unclear. Therefore, Applicants respectfully request that the examiner withdraw the rejection of claims 10-39 under 35 U.S.C. § 112, second paragraph.

3. Claims 1-5, 34 and 35 are rejected under 35 U.S.C. 102(a) as being anticipated by Kutt et al. (U.S. Patent 6,565,624 B2).

Specifically, the Examiner states at pages 4-5 of the Office Action that:

The teaching of Kutt et al. broadly discloses the pressure vessel unit and method for providing cyclic variations in altitude conditioning comprising the hermetic sealed pressure vessel (50) having the on-board interface (column 5, lines 16-35) for the user to initiate a session of cyclic variations in altitude conditioning and to determine the measured parameter of the user's body condition for cyclically operating the blower to create a negative pressure or cyclically operating the proportioning valve to reduce the negative pressure (column 5, lines 11-15), the pressure transducer for monitoring the air pressure inside the vessel (column 5, lines 9-10), and the user sensor for measuring one or more parameters of a user's body condition (column 5, lines 1-2). See Figs. 14-18 and from column 3, lines 5 to column 4, line 2, from column 4, line 43 to column 5, line 35, from column 7, line 54 to column 10, line 17, column 11, lines 6-43.

Applicants respectfully disagree and traverse the rejection. Kutt et al. does not teach or suggest a pressure vessel unit for providing cyclic variations in altitude conditioning. In order for a reference to anticipate a claim under 35 U.S.C. 102(a), the reference must set forth each and every element of the claim. MPEP §2131; *Verdegaal Bros. v. Union Oil of California*, 814 F.2d 628, 631, 2 USPOQ2d 1051, 1053 (Fed. Cir. 1987).

a. Kutt et al. teaches a method and system “in which ambient oxygen and carbon dioxide levels are monitored and adjusted...” *Col. 1, lines 15-17*. More specifically, Kutt et al. teaches a method and system for adjusting the oxygen and carbon dioxide levels in a room to simulate the oxygen concentrations at various altitudes without subjecting the users to the air pressures corresponding to those altitudes, thus purportedly simulating various altitudes. *Col. 4, lines 43 – 48; Col. 7, line 54 – Col. 8, line 15*. Therefore, Kutt et al. does not teach or suggest a pressure vessel unit for providing cyclic variations in altitude conditioning comprising an on-board interface, a pressure transducer, a user sensor, a blower capable of removing air from said pressure vessel, and a proportioning valve capable of controlling the amount of air allowed into said pressure vessel.

b. The examiner asserts that Kutt et al. broadly discloses a pressure vessel unit and method for providing cyclic variations in altitude conditioning comprising the hermetic sealed pressure vessel (50). However the drawing of (50) represents a room that controls the oxygen and

carbon dioxide content, which purportedly simulates altitude, as discussed above, rather than varying the air pressure to subject the user to actual air pressures that correlate to specific altitudes. *Col. 4, lines 43-55*. Furthermore, Kutt et al. does not teach or suggest a hermetically sealed pressure vessel. Kutt et al. teaches a room that is “reasonably well sealed environment...,” and further teaches “alternative embodiments that are ‘leaky’ can be provided.” *Col. 4, lines 55-58*. Thus, the room taught by Kutt et al. is not hermetically sealed, nor a pressure vessel unit.

The examiner further asserts that Kutt et al. teaches a pressure vessel unit that has an on-board interface to initiated the a session of cyclic variations in altitude conditioning and to determine the measured parameter of the user’s body condition for cyclically operating the blower to created a negative pressure or cyclically operating the proportioning valve to reduce the negative pressure. As discussed above, Kutt et al. does not disclose a pressure vessel unit and method for providing cyclic variations in altitude conditioning and therefore cannot disclose an onboard interface to be used therewith. Furthermore, the blower cited by the examiner at *Col. 5, lines 11-15* does not vary the actual air pressures to corresponding altitudes within a hermetically sealed pressure vessel. The blower taught by Kutt et al. brings fresh air into the room when needed to supplement the oxygen levels. *Col. 5, lines 11-15*. It has nothing to do with controlling and varying air pressures corresponding to different altitudes within a hermetically sealed pressure vessel. Thus, Kutt et al. does not teach a blower to create negative pressures or a proportioning valve to reduce negative pressures within a hermetically sealed pressure vessel.

Similarly, the Examiner asserts that Kutt et al. teaches a pressure transducer for monitoring the air pressure inside the pressure vessel. Again, Kutt et al. does not teach a hermetically sealed pressure vessel, as discussed above, nor does it teach a pressure transducer within a hermetically sealed pressure vessel.

Furthermore, the Examiner asserts that Kutt et al. teaches a user sensor for monitoring one or more parameters of a user’s body condition. While Kutt et al. does teach a sensor for monitoring carbon dioxide produced by the user of the room, it again does not teach a user sensor for monitoring one or more parameters of a user’s body conditions in a hermetically sealed pressure vessel.

Finally, the Examiner asserts that figures 14-18 generally support the aforementioned rejection. Figures 14-18 as found in Kutt et al. teach a room where oxygen concentrations may be

adjusted within the room to correspond to the oxygen concentration of a given altitude, as described above, purportedly to simulate changes in altitude. Similarly the Examiner asserts that col. 3, line 5 to col. 4, line 2 generally support the aforementioned rejection. This passage merely summarizes the background of low-oxygen concentration training, and concludes with examples based on varying oxygen concentrations, purportedly to simulate altitude training, rather than actual atmospheric pressure variation. Additionally, the Examiner cites to col. 4, line 43 -- column 5, line 35, col. 7, line 54 -- column 10, line 17, and column 11, lines 6-43. Each of these citations further describes the methods of varying the oxygen concentrations within the room to purportedly simulate altitude training, rather than actually varying the atmospheric pressure in the room to correspond to chosen altitudes, as discussed above.

In conclusion, Kutt et al. cannot broadly disclose a pressure vessel unit and methods for cyclic variations in altitude conditioning, including each and every element of the claims, for all the reasons discussed above. Applicants therefore respectfully request that the Examiner withdraw the rejection as the reference fails to disclose each and every element of the recited claims as required to make a rejection under 35 U.S.C. § 102(a).

4. Claims 6-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kutt et al. (U.S. Pat. 6,565,624 B2) in view of Carnein et al. (U.S. Patent 5,490,784).

Specifically, the Examiner states at pages 5-6 of the Office Action that:

It is noted that the teaching of Kutt et al. does not specifically disclose the external master controller (as per claim 6) as required. However, the teaching of Carnein et al. broadly discloses that such features of the external master controller (35) for electrical communicating with the on board interface to monitor and control the function of the vessel (20) is old and well known. Hence, it would have been obvious to one of ordinary skill in the art to modify the apparatus of Kutt et al. with the feature of the external master controller as taught by Carnein et al. as both Kutt et al. and Carnein et al. are directed to the pressure vessel unit, so as to provide the electrical communication with the on board interface to monitor and control the function of the vessel.

Applicants respectfully disagree. To support a *prima facie* rejection under 35 U.S.C. § 103(a), the prior art must teach or suggest all the claim limitations. MPEP § 2143.03; *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974); *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). Furthermore, if an independent claim is non-obvious under 35 U.S.C. § 103(a), then any claim depending therefrom is non-obvious. MPEP § 2143.03; *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). As discussed above, Kutt et al. does not disclose the limitations of the recited claims, *e.g.* a hermetically sealed pressure vessel, an on-board interface, a pressure transducer, a user sensor, a blower capable of removing air from said pressure vessel, and a proportioning valve capable of controlling the amount of air allowed into said pressure vessel. The addition of Carmein et al. does not cure the aforementioned deficiencies of Kutt et al. because it does not disclose the limitations of a hermetically sealed pressure vessel unit, an on-board interface, a pressure transducer, a user sensor, a blower capable of removing air from said pressure vessel, and a proportioning valve capable of controlling the amount of air allowed into said pressure vessel.

Additionally, while Carmein et al. teaches a controller external to the device, which controls the device, the combination of Carmein et al. and Kutt et al. does not teach an external control device for a hermetically sealed pressure vessel comprising an on-board interface, a pressure transducer, a user sensor, a blower capable of removing air from said pressure vessel, and a proportioning valve capable of controlling the amount of air allowed into said pressure vessel. Thus, the combination of Kutt et al. and Carmein et al. fails to teach or suggest all limitations of the recited claims.

Furthermore, the Examiner asserts that Carmein et al. is directed towards a pressure vessel unit. Applicants respectfully disagree. Carmein et al. is directed towards a virtual reality system with enhanced sensory apparatus. The teachings of Carmein et al. pertain to a mechanical system for creating motion with six full degrees of freedom, *Col. 2, lines 19-24*, and have no relation to a pressure vessel unit.

Because the rejection of claims 6-9 under 35 U.S.C. § 103(a) as being unpatentable over Kutt et al. in view of Carmein et al. is improper, Applicants respectfully request that the Examiner withdraw the rejection.

5. Claims 10-30 and 36-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kutt et al. (U.S. Pat. 6,565,624 B2) in view of Carmein et al. (U.S. Patent 5,490,784) and further in view of Robarts et al. (U.S. Pub. No. 2002/0083025 A1).

Specifically, the Examiner asserted on page 6 of the Office Action that:

the teaching of Robarts et al. broadly discloses that such features of using more than one of the kiosk controller in different location (see paragraph [0056]) and require the user to pay for a session (see paragraph [0206] and [0223]) are old and well known. Hence it would have been obvious to one of ordinary skill in the art to modify the system and method of Kutt et al. and Carmein et al. with the features of the kiosk controllers and required payment from the user as taught by Robarts et al. as both Kutt et al. and Carmein et al. and Robarts et al. are directed to the system and method for cyclic variations in altitude conditioning, so as to provide the different location of the kiosks for the user to pay the payment for a session of cyclic variations in altitude conditioning in the system.

Applicants respectfully disagree and traverse the rejection. To support a *prima facie* rejection under 35 U.S.C. § 103(a), the prior art must teach or suggest all the claim limitations. MPEP § 2143.03; *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974); *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). Furthermore, if an independent claim is non-obvious under 35 U.S.C. § 103(a), then any claim depending therefrom is non-obvious. MPEP § 2143.03; *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). As discussed above, Kutt et al. does not disclose the limitations of the recited claims, e.g. a hermetically sealed pressure vessel, an on-board interface, a pressure transducer, a user sensor, a blower capable of removing air from said pressure vessel, and a proportioning valve capable of controlling the amount of air allowed into said pressure vessel. The addition of Carmein et al. and Robarts et al. does not cure the aforementioned deficiencies of Kutt et al. because they do not disclose the limitations of a hermetically sealed pressure vessel unit, an on-board interface, a pressure transducer, a user sensor, a blower capable of removing air from said pressure vessel, and a proportioning valve capable of controlling the amount of air allowed into said pressure vessel. Robarts et al. teaches the use of more than one kiosk controller at different locations and requires the user to pay for a service or

product received from the kiosk controller, however, the combination of Kutt et al, Carnein et al. and Robarts et al. does not teach the use of multiple kiosk controllers and the requirement of payment through the kiosk controllers with a hermetically sealed pressure vessel comprising an on-board interface, a pressure transducer, a user sensor, a blower capable of removing air from said pressure vessel, and a proportioning valve capable of controlling the amount of air allowed into said pressure vessel.

Furthermore, while Robarts et al. teaches the use of more than one kiosk controller at different locations and requires the user to pay for a service or product received from the kiosk controller, Robarts et al. does not disclose the missing elements of an on-board interface, a pressure transducer, a user sensor, a blower capable of removing air from said pressure vessel, and a proportioning valve capable of controlling the amount of air allowed into said pressure vessel. In fact, Robarts et al. is not directed towards a pressure vessel unit as asserted by the Examiner. Robarts et al. is directed towards computer systems to accept input from a user and communicate the information to additional computers as well as update the information based on continued acquisition of data from a user. *See Robarts et al., Paragraphs [0042] – [0045]*.

Because the rejection of claims 10-30 and 36-39 under 35 U.S.C. § 103(a) as being unpatentable over Kutt et al. in view of Carnein et al. and further in view of Robarts et al. is improper, Applicants respectfully request that the Examiner withdraw the rejection.

6. Applicants further note that the Examiner considered additional references for this Office Action, however the Examiner did not rely upon these considered references for the aforementioned rejections.

The examiner has made the following objections to the drawings:

“The drawings are objected to under 37 C.F.R. 1.83(a). The drawings must show every feature of the invention specified in the claims.”

The examiner references several “structural” elements and requires that they be included in the drawings. Some of the elements include two software programs, an information processing system and a second kiosk controller and “all of the claimed method steps.” Applicants respectfully disagree and note that drawings are only required where necessary to the understanding of the subject matter to be patented. 37 C.F.R. § 1.81(a). If one can understand the invention from the

specification, no drawing is even required. Many applications, especially those claiming methods do not include drawings because the depiction of method steps usually does not add anything to the description already provided in the specification. The entire application, including the specification, claims, specific embodiments, and figures must be considered when determining whether the disclosure satisfies the written description requirement. MPEP § 2163. As described in the above response, each and every element of the claims finds support in the specification of the application, including disclosure of the software, information processing systems (computers), the user sensor, the additional kiosk controllers, and all the claimed method steps. Thus the application provides a full understanding of the invention therein.

With respect to the “structural” elements, it is respectfully pointed out that the elements mentioned involve software and processing systems. The case law is clear that “flow charts or source code listings are not a requirement for adequately disclosing the function of software. *Fonar Corp. v. General Electric Co.* 107 F.3d 1543, 1549, 41 USPQ2nd 1801 (Fed. Cir. 1997)” Thus, the elements listed are not required to be depicted in the drawings for an adequate description. Applicants respectfully urge that there is no requirement for elements such as those suggested by the Examiner or for method steps to be depicted in the drawings for the reasons provided and also since drawings are not a requirement in the first place. Applicants urge that the drawings provided along with the entire disclosure adequately describe and depict the claimed invention in a manner which complies with the statutes and the rules.

Additionally, the claims represent embodiments of the invention, but are not the only such embodiments. Applicants know of no requirement in the MPEP or the C.F.R. that the application contain drawings when such drawings are not necessary to understand the invention.

Applicants respectfully request that the examiner consider the entire specification, including the claims and specific embodiments, for support for the claims.

CONCLUSION

Applicants respectfully request prompt and favorable action with regard to pending claims 1-39. Further, if the Examiner believes that a personal communication will expedite the prosecution, the Examiner is invited to telephone the undersigned at (858) 350-2300.

Respectfully submitted,

WILSON SONSINI GOODRICH & ROSATI

Date: April 25, 2007

By:

A handwritten signature in black ink, appearing to read "Peter R. Munson", is written over a horizontal line.

Peter R. Munson, Reg. No. 43,821

650 Page Mill Road
Palo Alto, CA 94304
(650) 493-9300
Customer No. 021971